

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 6-10, 14-15, 18, 21-25, 27, 30-48, and adds new claims 50-65, claims 1-65 will be pending. In the office action, the title of the invention was deemed not descriptive; claims 1-49 were rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject which Applicants regard as their invention; claims 1-49 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; claims 1-2, 6-7, 16-19, 21, 23-29, and 45-47 were rejected as being rejected under judicially created double patenting by claims 1-2, 4-5, 7-10, 12, and 14 of copending Application No. 10/105,018; claim 30 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter; and claims 4-5 and 31-32 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration of the claims in view of the amendments above and remarks below.

Allowable Subject Matter

Applicants thank the Examiner for the indication of allowable subject matter.

Examiner Interview

Applicants thank the Examiner for the courtesy of the Interview conducted on July 26, 2005. During the Interview, the rejections and claims were discussed.

Title

Applicants have changed the title to "Techniques for Updating Live Objects at Clients using a Dynamic Routing Network".

Section 112 Rejections

Claims 1-49 were rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject which Applicants regard as their invention. Specifically, the preamble in claims 1, 18, 30, and 45 fail to correspond in scope with that which Applicants regards as the invention. As discussed during the Interview, Applicants have amended the preamble of claim 1 to read " A method for dynamically updating a property of a live object at a client coupled to a network". Claims 18, 30, and 45 have been amended similarly. Applicants submit that claims 1, 18, 30, and 45 now fully comply with the requirements of Section 112 and request withdrawal of the rejection of claims 1-49.

Claims 1-49 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the rejection stated that in claims 1, 18, 30, and 45, the phrase "updating a property of a live object at clients" renders the claims indefinite. As discussed during the Interview, Applicants have amended the claim 1 to read "wherein the live object is included in a data representation at the client". Claims 18, 30, and 45 have been amended similarly. Applicants submit that claims 1, 18, 30, and 45 now fully comply with the requirements of Section 112 and request withdrawal of the rejection of claims 1-49.

Double Patenting

Claims 1-2, 6-7, 16-19, 21, 23-29, and 45-47 were rejected as being rejected under judicially created double patenting by claims 1-2, 4-5, 7-10, 12, and 14 of copending Application No. 10/105,018. In response, Applicants have submitted a terminal disclaimer. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-2, 6-7, 16-19, 21, 23-29, and 45-47.

Section 101 Rejections

Claim 30 was rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the rejection stated "[a] program not claimed as embodied in a computer readable media and

Appl. No. 10/017,182
Amdt. dated August 1, 2005
Reply to Office Action of 05/03/05

PATENT

execute[d] in a computer or by a computer are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer." In response, claim 30 is amended to have a preamble of "A computer-readable medium having computer program code embodied therein for updating properties of a live object at a client, the computer program code configured to cause a computing device to perform the steps of:". Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
BNY:dk
60504262 v1